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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,898	09/29/2000	Juha Romppanen	197935US6	8825

22850 7590 08/27/2002

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EXAMINER
THOMSON, MICHELLE R

ART UNIT	PAPER NUMBER
3641	

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/672,898	Applicant(s) ROMPPANEN, JUHA	
	Examiner Michelle (Shelley) Thomson	Art Unit 3641	

-- The MAILING DATE of this communication appears on th cover sheet with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 6-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 6-17 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 6, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flatau et al. (US Patent # 4,190,476) and Devaux (US Patent # 3,074,344). Flatau et al. discloses a non-lethal projectile comprising a plurality of payload bags (references 28 and 38) connected to each other (reference 21 and 39) and a suitable payload (column 4, lines 27-33) in each of the plurality of shot bags. Each of the plurality of payload bags are connected by being integrally formed with a circular disc and arranged symmetrically in relation to a center of the circular cloth disc (Figures 6 and 7). Flataue et al. discloses that the projectile can be made from any light weight material (column 3, lines 21-28) and can be fired from a rifle, pistol or a hand-held weapon. Although Flatau et al. does not specifically disclose the payload being metal shots, Devaux does. Devaux teaches a projectile having a divided chambers adapted to explode in bursts. Each container holds an individual charge of shot (reference 2). Flatau et al. and Devaux are analogous art because they are from the same field of endeavor: frangible projectiles. Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the steel shot payload as taught by Devaux with the projectile of Flatau et al. The suggestion/motivation for doing so would have been to obtain a non-lethal projectile, which was safer to use on a windy day.

3. Claims 6, 8, 10, 12, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neading et al. (US Patent # 5,655,777), Guillot-Ulmann et al. (US Patent # 6,302,028) and Miller (US Patent # 4,154,012). Neading et al. discloses a bean bag comprising a plurality of bags connected to each other (Figure 1) by being integrally formed with a circular cloth disc wherein each of the plurality of bags are arranged symmetrically in relation to a center of the disc and one bag positioned at a center of the disc (Figures 1, 3 and 4) and a weighted material (reference 36) provided in each of the bags. The plurality of bags are connected by an arm (banded strip) (reference 18) (Claim 16). It would have been an obvious matter of design choice to have the center bag the heaviest, since applicant has not disclosed that a heavier center bag solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a center bag of any weight. Although Neading et al. does not specifically disclose the beanbag as a non-killing cartridge fired with a firearm and packed in a shell, Guillot-Ulmann et al. does. Guillot-Ulmann et al. teaches a highly deformable projectile comprising an envelope filled with a divided solid substance (i.e. bean bag), which is included in a case or cartridge (reference 13). Although neither Neading et al. nor Guillot-Ulmann et al. disclose specifically the bags filled with metal shot, Miller does. Miller teaches that riot control devices comprising cloth bags filled with shot are well known. Neading et al., Guillot-Ulmann et al. and Miller are analogous art because they are from similar problem solving areas: non-lethal projectiles. Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the projectile disclosed by Neading et al. with the non lethal cartridge taught by Guillot-Ulmann et al. and the metal shot taught by Miller. The

suggestion/motivation for doing so would have been to obtain a non-lethal projectile, which has a balanced spin for more accurate flight.

4. Claims 7, 9, 11, 13, 15 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Neading et al., Guillot-Ulmann et al. and Miller as applied to claim 6 above, and further in view of Schroeder (US Patent # 4,098,193). Although Neading et al., Guillot-Ulmann et al. and Miller do not specifically disclose the bags treated in silicone, Schroeder does. Schroeder teaches that it is known to apply a protective coating of silicone to projectiles for protecting the bores of firearms. Neading et al., Guillot-Ulmann et al., Miller and Schroeder are analogous art because they are from the same field of endeavor: projectiles. Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the silicone treatment as taught by Schroeder with the non lethal projectile of Neading et al., Guillot-Ulmann et al. and Miller. The suggestion/motivation for doing so would have been to obtain a projectile that reduced corrosion of the bore.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mawhinney (US Patents #3,762,329, #3,815,502 and #3,710,720), Bertram (US Patent # 5,315,932), Hoffman et al. (US Patent # 5,492,320), Kraushaar (US Patent # 5,165,694), Flatau et al. (US Patent # 3,951,070), Campbell (US Patent # 3,085,510), Christian (US Patent # 4,664,034) and Misevich et al. (US Patent # 3,956,844).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Thomson whose telephone number is 703.306.4176. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703.306.4198. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

mrt
August 1, 2002

MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER